UNITED NATIONS

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General Assembly

Distr.
LIMITED

A/C.3/52/L.36/Rev.1
19 November 1997

ORIGINAL: ENGLISH

Fifty-second session
THIRD COMMITTEE
Agenda item 112 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Albania, Argentina, Australia, Austria, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Cyprus, Czech Republic, Denmark, Finland, Georgia, Germany, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Portugal, Republic of Korea, Romania, San Marino, Slovakia, South Africa, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: revised draft resolution

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 51/87 of 12 December 1996, as well as other relevant resolutions, and decision 1997/105 of 3 April 1997 of the Commission on Human Rights,[1]

Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[2]

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[1] Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. B.

[2] A/CONF.157/24 (Part I), chap. III.

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights,[1] to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of the treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

Recalling that the effectiveness of the treaty bodies in encouraging the realization by States Parties of their obligations under United Nations human rights instruments requires constructive dialogue, which should be based on the reporting process supplemented by information from all relevant sources and aimed at assisting States parties in identifying solutions to human rights problems,

Recalling also the initiatives taken by a number of treaty bodies to elaborate early-warning measures and urgent procedures, within their mandates, with a view to preventing the occurrence, or reoccurrence, of serious human rights violations,

Reaffirming its responsibility for the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

(a) Promoting the effective functioning of the periodic reporting by States parties to these instruments;

(b) Securing sufficient financial, human and information resources to overcome the under-resourcing of the Office of the United Nations High Commissioner for Human Rights, which impedes the ability of the human rights treaty bodies to carry out their mandates effectively;

(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

(d) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

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[1] Resolution 217 A (III).

Taking note of the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,[4]

1. Welcomes with appreciation the report of the persons chairing the human rights treaty bodies on their eighth meeting, held at Geneva from 15 to 19 September 1997,[5] and takes note of their conclusions and recommendations;

2. Encourages each treaty body to give careful consideration to the relevant conclusions and recommendations contained in the report of the persons chairing the human rights treaty bodies;

3. Also welcomes the submission to the Commission on Human Rights of the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system;[6]

4. Encourages ongoing efforts to identify measures for more effective implementation of the United Nations human rights instruments;

5. Emphasizes the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each treaty body;

(b) Calls upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the treaty bodies adequate administrative support and better access to technical expertise and information;

6. Takes note with appreciation of the revised plan of action to strengthen the implementation of the Convention on the Rights of the Child and the plan of action to strengthen implementation of the International Covenant on Economic, Social and Cultural Rights, recalls the importance of administering those plans in accordance with established United Nations procedures, and requests the Secretary-General to include in his report, prepared pursuant to the present resolution, information on the implementation of those plans of action;

7. Reaffirms the need for human rights treaty bodies to better complement each other in their work, and emphasizes that the universal ratification of international human rights treaties containing reporting obligations adopted within the framework of the United Nations system is important for the realization of this complementarity;

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[4] A/52/445.

[5] A/52/507, annex.

[6] E/CN.4/1997/74, annex.

8. Welcomes the continuing efforts by the treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and urges the Secretary-General, the treaty bodies and the meetings of persons chairing the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on States parties;

9. Takes note with appreciation in this regard of the efforts of the persons chairing the treaty bodies at their eighth meeting to develop appropriate reforms of the reporting system, with a view to, inter alia, reducing the reporting burden on States parties while maintaining the quality of reporting, and encourages them to continue these efforts including through the continued examination of the benefits of reports focused on a limited range of issues and of opportunities for harmonizing the general guidelines regarding the form and content of reports, the timing of consideration of reports and the methods of work of the treaty bodies;

10. Calls upon the Secretary-General to complete as soon as possible the detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights,[7] the International Covenant on Civil and Political Rights,[7] the International Convention on the Elimination of All Forms of Racial Discrimination,[8] the Convention on the Elimination of All Forms of Discrimination against Women,[9] the Convention on the Rights of the Child[10] and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[11] which is being prepared with a view to identifying duplication of reporting required under these instruments;

11. Urges States parties to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining, rationalizing, avoiding duplication in and otherwise improving reporting procedures;

12. Welcomes the publication of the revised Manual on Human Rights Reporting;

13. Requests the Secretary-General to compile in a single volume all the general guidelines regarding the form and content of reports to be submitted by States parties that have been issued by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of

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[7] See resolution 2200 A (XXI), annex.

[8] Resolution 2106 A (XX), annex.

[9] Resolution 34/108, annex.

[10] Resolution 44/25, annex.

[11] Resolution 39/46, annex.

Racial Discrimination, the Committee on the Rights of the Child and the Committee against Torture;

14. Reiterates its concern with the increasing backlog of reports on the implementation by States parties of certain United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies;

15. Also reiterates its concern with the large number of overdue reports under the United Nations instruments on human rights, and again urges States parties to make every effort to meet their reporting obligations;

16. Invites States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

17. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

18. Encourages the treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties;

19. Recalls the recommendation by the meeting of persons chairing the human rights bodies that treaty bodies urge each State party to translate, publish and make widely available in its territory the full text of the concluding observations on its reports to the treaty-monitoring bodies;

20. Welcomes the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and invites the specialized agencies, other United Nations bodies and the treaty bodies to continue to pursue further cooperation between them;

21. Welcomes the recommendation of the persons chairing the human rights treaty bodies that efforts continue to be made to enhance coordination and cooperation between the human rights treaty bodies and the special procedures, rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, all acting within their respective mandates;

22. Recognizes the important role played by non-governmental organizations in all parts of the world in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

23. Recalls, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographical distribution of membership and to the representation of the principal legal systems, and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character and recognized competence in the field of human rights;

24. Requests the Secretary-General to include in his report, prepared pursuant to the present resolution, a detailed explanation of the basis for the payment of honoraria to the members of the human rights treaty bodies and suggestions to improve coherence in this regard;

25. Encourages the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, and other United Nations bodies and specialized agencies to consider the feasibility of participation by representatives of the human rights treaty bodies in their meetings;

26. Welcomes the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, and in this regard endorses the request by the eighth meeting of the persons chairing the human rights treaty bodies that the Division for the Advancement of Women prepare a study, for use by the United Nations High Commissioner for Human Rights and the treaty bodies, analysing what each treaty body has done to incorporate gender perspectives into its work and making practical suggestions about what each could do to further incorporate gender perspectives;[12]

27. Also welcomes all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the United Nations High Commissioner for Human Rights, the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests the High Commissioner, acting within her mandate, to coordinate and consult throughout the United Nations system in this regard;

28. Welcomes the request of the persons chairing the human rights treaty bodies[13] that they hold an extraordinary three-day meeting early in 1998 to pursue the reform process aimed at improving the effective implementation of international instruments on human rights, and requests the Secretary-General to take the appropriate steps in order to finance the meeting from the available resources of the United Nations regular budget;

29. Requests the Secretary-General to report to the General Assembly at its fifty-third session on measures taken to implement the present resolution, on obstacles to its implementation and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies;

30. Decides to continue giving priority consideration, at its fifty-third session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".

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[12] A/52/507, annex, para. 62.

[13] See A/52/507, annex, para. 75.